

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BARRY KELLY, et al.,  
Plaintiffs,

v.

PUGET SOUND COMMERCE CENTER,  
INC., et al.,  
Defendants.

Case No. [11-cv-03240-VC](#)

**ORDER RE SANCTIONS FOR  
FAILURE TO TIMELY NOTIFY  
COURT OF SETTLEMENT**

By the time this case reached trial, three defendants remained in the case. One defendant settled after the first day of trial, leaving two defendants – Todd Shipyards and Crane Co. After a week of trial, the remaining two defendants settled. Todd Shipyards reached a settlement agreement with the plaintiffs on Friday afternoon, and Crane Co. reached a settlement agreement with the plaintiffs on Saturday afternoon. Email correspondence between counsel for Crane Co. and counsel for the plaintiffs shows that the settlement these parties reached on Saturday afternoon was final and had approval from the clients.

The parties didn't inform the Court of this until 3:45 p.m. on Sunday afternoon, by way of email to Kristen Melen, the Courtroom Deputy. This email did not come to Ms. Melen's attention until roughly 8:00 p.m. Ms. Melen was unable to reach the undersigned judge until after 9:00 p.m. At that point the undersigned judge gave Ms. Melen the go-ahead to call the jurors and tell them not to come to the courthouse the next day. One of the jurors was awakened by the phone call. Another juror did not get the message on time, and therefore made an unnecessary trip to the courthouse early Monday morning.

This conduct shows a lack of respect for the jury. Counsel should have informed the Court immediately upon reaching settlement agreements that had been approved by their clients. And

1 they should have done so not only by emailing the Courtroom Deputy, but by filing a formal  
2 notice. This would have allowed the Court to inform the jurors in enough time to prevent one of  
3 them from making an unnecessary trip to the courthouse (and to prevent another of them from  
4 being woken up).

5 Accordingly, counsel for the plaintiffs – Gilbert Purcell and Kimberly Chu – are  
6 sanctioned in an amount totaling \$250, with each being jointly and severally liable. And counsel  
7 for Crane Co. – Michele Barnes and Geoffrey Davis – are sanctioned in an amount totaling \$250,  
8 with each being jointly and severally liable. Checks should be made payable to the Clerk of the  
9 Court for the Northern District of California. Payment must be received by the Clerk no later than  
10 June 5, 2015.

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12 **IT IS SO ORDERED.**

13 Dated: May 26, 2015



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VINCE CHHABRIA  
United States District Judge